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BILL



ANALYSIS

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Senate Bill 585 (Substitute S-2)  
Sponsor: Senator Robert Geake  
Committee: Families, Mental Health and Human Services

Date Completed: 12-19-95

**SUMMARY OF SENATE BILL 585 (Substitute S-2) as passed by the Senate:**

**The bill would amend the Friend of the Court (FOC) Act to specify additional duties of the FOC, including compiling data on complaints regarding support and visitation, disbursing support payments within 14 days, and meeting with a party during an investigation. The bill would take effect on June 1, 1996.**

Specifically, the bill would require each local office of the Friend of the Court to compile data on the number and type of complaints regarding support and visitation. The data would have to include, but not be limited to, the number of cases in which a party failed to appear at a show cause hearing and the number of cases in which a bench warrant was issued for failure to appear. The data would have to be transmitted at least annually in a report to the Office of the State Court Administrator. The following specific information also would have to be compiled:

- The number of State or Federal income tax intercepts subsequently found to be based on inaccurate information or employee error.
- The number of support orders modified due to inaccurate information or employee error.
- The number of grievances filed in a calendar year, the nature of each grievance, the judicial response to each grievance, and any sanction imposed as a result of each grievance.
- The number of custody recommendations recommending physical custody to the mother, the father, or a third party.
- The number of make-up parenting time petitions filed, the number of hearings held on such petitions, the number of instances make-up parenting time was ordered, and the amount of such time that was ordered.

Currently, after a support order is entered in a domestic relations matter, the FOC office must receive all payments of support orders and disburse them to the recipient of support. The bill would require that the FOC make this disbursement within 14 days after the office received each payment.

The FOC Act requires each Friend of the Court to take all necessary steps to adopt office procedures to implement the Act, Supreme Court rules, and recommendations of the FOC Bureau. The bill also specifies that office of the Friend of the Court duties would have to be performed in accordance with the Elliott-Larsen Civil Rights Act.

Currently, before the adjudication of a domestic relations matter, the FOC office must give an informational pamphlet to each party to the matter. The bill would require this pamphlet to include

notification that each party to the dispute had the right to meet with the individual investigating the dispute before he or she made a recommendation regarding the dispute.

The Act requires the FOC to investigate all relevant facts regarding child custody or visitation if there is a custody or visitation dispute and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court. The FOC also must investigate regarding child support if ordered to do so by the court. The bill provides that an investigation would have to include a meeting with a party, if requested by the party. If a party who requested a meeting during an investigation failed to attend the scheduled meeting without good cause, the investigation could be completed without a meeting with that party.

MCL 552.503 et al.

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

Currently the FOC has 30 days in which to process support payments. Under this bill, payments would have to be disbursed within 14 days. The impact on the FOC of this change would be minimal. Currently, approximately 10% of the support payments are not disbursed in a timely manner and this number is expected to decrease with the ongoing implementation of the Child Support Enforcement System (CSES).

Fiscal Analyst: M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.